

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN DAVID PAMPLIN,

Case No. 3:20-cv-00043-MMD-CLB

14

Plaintiff.

ORDER

R. BAKER, *et al.*,

Defendants.

11 *Pro se* Plaintiff John David Pamplin brings this action under 42 U.S.C. § 1983.
12 Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate
13 Judge Carla L. Baldwin (ECF No. 55), recommending that the Court grant Defendants’
14 motion for summary judgment (ECF No. 43). Plaintiff had until November 29, 2022 to file
15 an objection. To date, no objection to the R&R has been filed. For this reason, and as
16 explained below, the Court adopts the R&R in full and grants Defendants’ motion.

17 Because there is no objection, the Court need not conduct de novo review and is
18 satisfied Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d
19 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and
20 recommendations is required if, but *only* if, one or both parties file objections to the
21 findings and recommendations.”) (emphasis in original). Here, Judge Baldwin
22 recommends granting Defendants’ motion because Defendants have met their initial
23 burden to establish that both of Plaintiff’s Eighth Amendment claims are time-barred
24 based on the applicable two-year statute of limitations, and Plaintiff has failed to come
25 forward with any evidence to create an issue of fact on this defense and meet his burden
26 on summary judgment. (ECF No. 55 at 8.) The Court agrees with Judge Baldwin. Having
27 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

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It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF No. 55) is accepted and adopted in full.

It is further ordered that Defendants' motion for summary judgment (ECF No. 43) is granted.

The Clerk of Court is directed to enter judgment in Defendants' favor and close this case.

DATED THIS 5th Day of December 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE